

REPORT - PLANNING COMMISSION MEETING
September 8, 2005

Project Name and Number: Cingular-Hillview (PLN2005-00308)

Applicant: Cingular Wireless

Proposal: To consider a Conditional Use Permit for the installation a 55-foot slim line monopole; related back up equipment, and a 340 sq ft. fenced area as part of a proposed Cingular Wireless telecommunication facility on Alameda County Water District property accessed through Hillview Drive.

Recommended Action: Approve project, based on the findings and subject to the conditions.

Location: Adjacent to western end of Hillview Drive, Niles Planning Area

Assessor Parcel Number(s): 507-018501103

Area: Lot is 22.84 acres. Project area is 340 sq. ft.

Owner: Alameda County Water District

Agent of Applicant: Randall Schwabacher and Jason Trollope of the Alaris Group

Consultant(s): Bechtel Telecommunications, Parsons Alaris, and MSA Architecture & Planning, Inc.

Environmental Review: A mitigated negative declaration has been prepared and circulated for the project.

Existing General Plan: Institutional Open Space

Existing Zoning: O-S, Open Space

Existing Land Use: Alameda County Water District Facility and Park.

Public Hearing Notice: A total of 20 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Montecito Drive, Hillview Drive, and School Street. The notices to owners and occupants were mailed on, July 29, 2005 A Public Hearing Notice was delivered to The Argus on July 25, 2005 to be published by July 28, 2005.

Background and Previous Actions: The project was originally scheduled for the Planning Commission August 11 meeting. However, the item was continued in order to provide staff time to complete the environmental assessment for the project.

The primary use for the site is the Alameda County Water District pumping facility. In addition, the project property contains a walking/biking trail that connects the adjacent Rancho Arroyo Park to the Alameda Creek Trail. The proposed telecommunication facility will be adjacent to Rancho Arroyo Park and Shinn Pond, the pond on the project property and adjacent to the project site.

The site is considered a Primary Historic Resource, because the Shinn Pond contained a gravel pit. Although the project is located on the same lot as the gravel pit, the Historical Architectural Review Board did not review the project because the gravel pit is a site resource and the project would not impact the site of the former gravel pit.

The proposed monopole is subject to a Conditional Use Permit because the City's Development Standards for Siting of Wireless Telecommunications Facilities (Ordinance 2213, adopted December 17, 1996) requires approval of Conditional

Use Permit for free standing monopoles for areas that are not above the toe of hill, areas zoned residential, and areas in the Central Business District. According to the applicant's coverage maps, the existing coverage for much of Niles is poor. The applicant is proposing to install a telecommunication facility at this site in order to improve the coverage in the Niles area. Cingular Wireless submitted other applications in the Niles District that were in more sensitive locations. One application proposed a façade mount to a power pole in the public right of way near the Niles Nursery; a second application proposed a façade mount to a power pole in the public right-of-way at 37899 Niles Boulevard near the Henkel Building. Cingular Wireless recently withdrew those applications. Staff believes the proposed location near Shinn Pond will have less of an impact than the sites at the Niles Nursery and 37899 Niles Boulevard

Surrounding zoning and land uses:

North: Zoned R1, primarily single-family homes
South: Zoned Open Space, land uses include the Quarry Lakes Regional Park and Alameda Creek Trail.
East: Zoned Open Space, Niles Community Park, a City owned park
West: Zoned Open Space, Rancho Arroyo Park, a City owned park

Project Description: The applicant is proposing to construct a 55-foot tall olive green slim line monopole with six panel antennas. The antennas will be four square feet and mounted flush to the pole. The applicant will lease a 340 sq. ft. area for the related equipment and monopole. The equipment will be enclosed with a six-foot chain link fence, with green slats. The fence will be screened with fast growing vines. The applicant will hire a landscape company to water the vines. The site will not have an on-site generator, but the equipment would have an Appleton plug for portable generators. The applicant stated a portable generator might only be used in extreme cases, when the electricity is out for a long period of time and the operation of the site is essential for Cingular's network. Future carriers that co-locate on this monopole would need to lease an area near the monopole from Alameda County Water District and receive Zoning Administrator approval. The applicant estimates that a technician will visit the site every four to eight weeks for routine maintenance. Access to the site will be through the Water District access road adjacent to 614 Hillview Drive.

PROJECT ANALYSIS:

General Plan Conformance: The existing General Plan land use designation for the project site is Institutional Open Space with a Primary Historic Resource Overlay. The following General Plan Goals, Objectives, and Policies are applicable to the proposed project:

Policy LU 4.4: Development of recreational or other public facilities on open space lands should conserve the open space character of the site and minimize impacts on mature landscaping and environmentally sensitive areas.

Analysis. The applicant will construct a 55-foot monopole and enclosure for the equipment. The monopole will be painted olive green to blend the pole with the trees and vegetation in the area. The pole will be taller than the existing trees in the area and portions of the pole will be visible from the adjacent Rancho Arroyo Park, Montecito Drive, and Hillview Drive. The pole will not be visible from most of the Niles district. The enclosure will use green slats and fast growing vines to screen the enclosure so it will blend in with the existing vegetation. The applicant has provided photosimulations of the proposed project.

The monopole and equipment will be adjacent to an existing Water District facility enclosed by a six-foot fence with one-foot of barbwire. The site area for the project is the "developed" part of the property and it would not impact the existing landscaping in the area. Though the pole will be visible, it will not have a negative impact on the open space character of the site because it will only be partly visible from a limited distance and it will be located adjacent to the Water District's facility.

Public Facilities Goal PF 1: A range of public facilities and services to meet the health, safety, leisure, cultural, and general governmental needs of all Fremont residents.

Analysis. Telecommunications facilities are public utilities, which provide communications systems to meet the needs of residents and businesses in Fremont. The telecommunications carriers serving Fremont have previously met with City

staff to provide coverage information, and demonstrated that the subject area has coverage constraints. The proposed facility would improve coverage, and in addition to meeting the needs of residents and businesses, would benefit police and fire response to health and safety concerns.

Natural Resources Objective 13.31.1: Reduce the visual impacts of signs, utilities, and poles.

Analysis. As mentioned previously, the applicant has provided a design that reduce the visual impact of the monopole to a less than significant level. The proposal will not have an adverse impact on the surrounding area because the monopole will be painted to match the existing landscaping, and the enclosure for the equipment will be screened by vines.

Zoning Regulations: The zoning designation of the project site is Open Space. The primary use for the site is a Water District pumping facility. In addition, the site contains a walking/biking trail that connects the adjacent Rancho Arroyo Park to the Alameda Creek Trail. The applicant proposes to lease a 340 sq. ft. area for the equipment and construct a new monopole. The Land Use compatibility section of the City's Wireless Ordinance (Ordinance 2213) requires that freestanding monopoles located in non-residential areas obtain a conditional use permit. All other conditions of the Wireless Ordinance shall apply and have been met by the applicant. Some specific examples include:

Standard H-3: Freestanding monopoles shall be located and designed to minimize visual impacts. Although not all monopoles will be required to do so, monopoles in areas where adverse visual impact cannot be avoided, shall incorporate "stealth" techniques to camouflage them as piece(s) of art/sculpture, flag poles, or other interesting visual form that would not be considered an adverse visual impact.

Analysis. The proposed monopole will be located adjacent to existing trees and vegetation. Although the top portion of the monopole will be visible from Hillview Drive and Montecito Drive and the enclosure will be visible from Rancho Arroyo Park and the trail that connects the Rancho Arroyo Park to the Alameda Creek Trail, the impact should be minimal. The monopole will be painted an olive green to blend with the trees in the area and the applicant will use a fence with green slats and fast growing vines to screen the equipment area.

Standard H-13: Proposed equipment cabinets may require screening from public view. Screening techniques may include landscape treatment, architectural treatment to make it compatible with existing buildings, or partially burying the cabinets.

Analysis. The proposed equipment cabinets will be screened behind a six-foot chain link, with green slats, and fast growing vines. Future carriers that co-locate on-site will be required to provide the same type of screening as the applicant.

Parking/Circulation: The project will not adversely impact parking or circulation. The applicant estimates that a technician will visit the site every four to eight weeks for routine maintenance. The applicant will use the existing Water District service road to access the site. Additional parking will not be required.

Fremont Municipal Code Section 8-22509(e): The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood, or the community at large.

Analysis: The proposed structure will be located near a public park and approximately 200' from an adjacent home and approximately 100' from the trail that connects Rancho Arroyo Park and the Alameda Creek Trail. The applicant has submitted a Radio Frequency (RF) report that estimates that a person on the ground, approximately 41' from the proposed monopole would receive a maximum ambient electromagnetic exposure level that is 1.7% of the applicable public limit. The RF report notes that the results include several "worst-case" assumptions and therefore are expected to overstate actual power densities. The RF report states that the proposed project will comply with the prevailing standards for limiting public exposure to radio frequency energy, therefore, the project will not significantly impact the environment. In addition, pursuant to the Federal Telecommunications Act, if a carrier demonstrates that it meets radio frequency standards established by the Federal government, the City may not deny a project based on radio frequency. Based on the RF report, the proposed project should not be detrimental to the general welfare of persons residing in the immediate vicinity, neighborhood, or community at large.

DESIGN ANALYSIS:

Architecture: As described above, the applicant will construct a 55-foot tall olive green slim line monopole with six panel antennas. The antennas will be four square feet and mounted flush to the pole. The applicant will lease a 340 sq. ft. area for the related equipment and monopole. A six-foot chain link fence, with green slats, will enclose the equipment. The fence will be screened with fast growing vines. The pole will be partly screened from Hillview Drive and Montecito Drive by the existing trees and vegetation. The pole will be painted olive green so the monopole matches with the existing landscaping in the area. Vines will screen the enclosure so it blends with the existing vegetation on the site.

Site Planning: The monopole and telecommunications equipment will be constructed on a flat ground with little vegetation adjacent to an enclosed Water District facility. The site will be serviced by the existing Water District service road accessible from Hillview Avenue. The proposed site will have no impact on the trails in the park or on Water District facilities.

Landscaping: The applicant is proposing to install fast growing vines on the fence to screen the equipment area and to help the equipment area blend with the existing vegetation. There will be little impact to the existing on-site vegetation.

View Impacts: As mentioned above, the monopole will be partly visible from Hillview Drive and Montecito Drive. The monopole will be visible from the walking/bike trail. A chain link fence with green slats and vines will minimize the visual impact of the equipment.

Urban Runoff Clean Water Program: The applicant will be required to conform to the City's Urban Runoff Clean Water Program requirements for any new construction.

ENVIRONMENTAL ANALYSIS: An Initial Study and Draft Mitigated Negative Declaration have been prepared for this project. The environmental analysis identified concerns regarding potential impacts to scenic vista, air quality, endangered or threatened species, cultural resources, land use, and noise. The Draft Mitigated Negative Declaration includes mitigation measures that if implemented, will reduce the impacts to a less than significant level. The mitigation measures are incorporated as conditions of approval. A more detailed description of the potential impacts is provided within the Initial Study for the project, which is included as an enclosure.

Public Comment: Staff has received a call from a resident concerned with the potential visual impact of the monopole. Attached as an informational item is the resident's email to staff.

ENCLOSURES:

- Exhibit "A" Site Plans, Elevations, and Construction Details
- Exhibit "B" Conditions of Approval
- Exhibit "1" Photosimulations
- Exhibit "2" Applicant letters
- Exhibit "3" Coverage Maps
- Exhibit "4" Vicinity Maps (Informational)
- Exhibit "5" Draft Mitigated Negative Declaration and Initial Study
- Exhibit "6" Mitigation Monitoring Plan
- Exhibit "7" Email to staff from resident opposed to project

EXHIBITS:

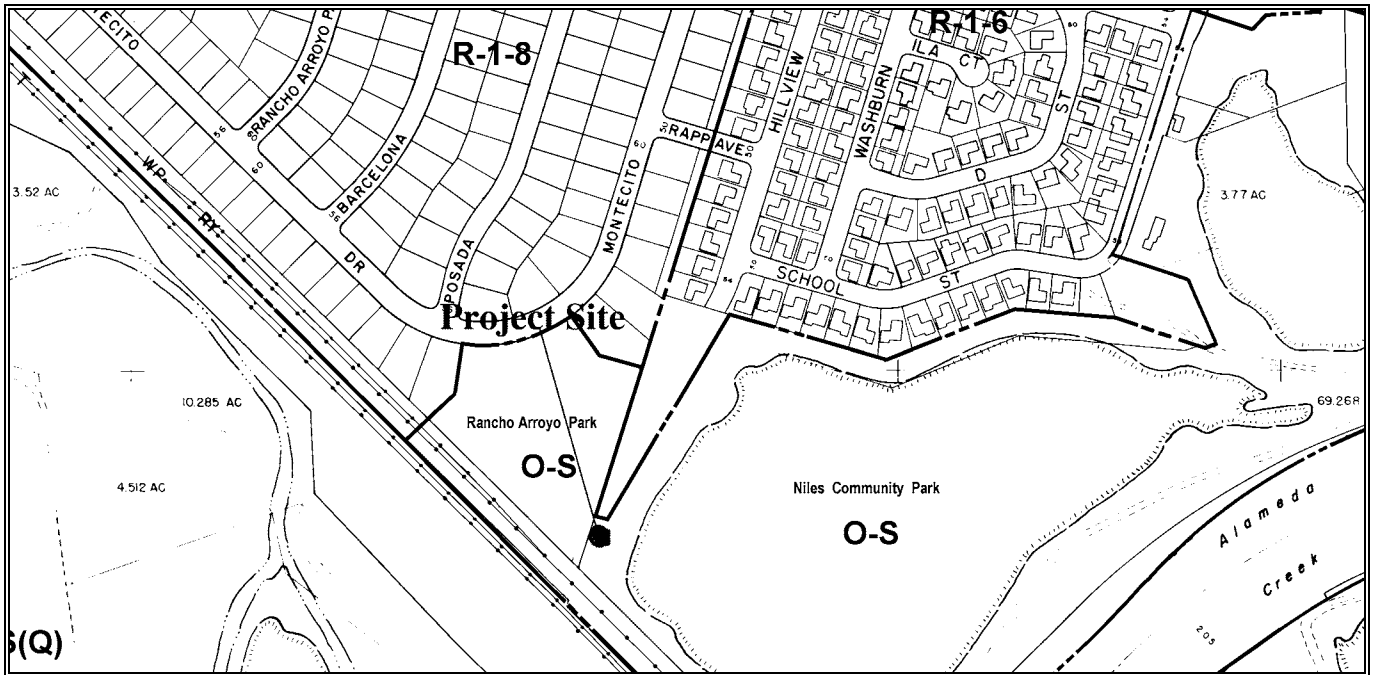
- Exhibit "A" Site Plans, Elevations, and Construction Details
- Exhibit "B" Conditions of Approval

INFORMATIONAL: Email to staff from resident opposed to project

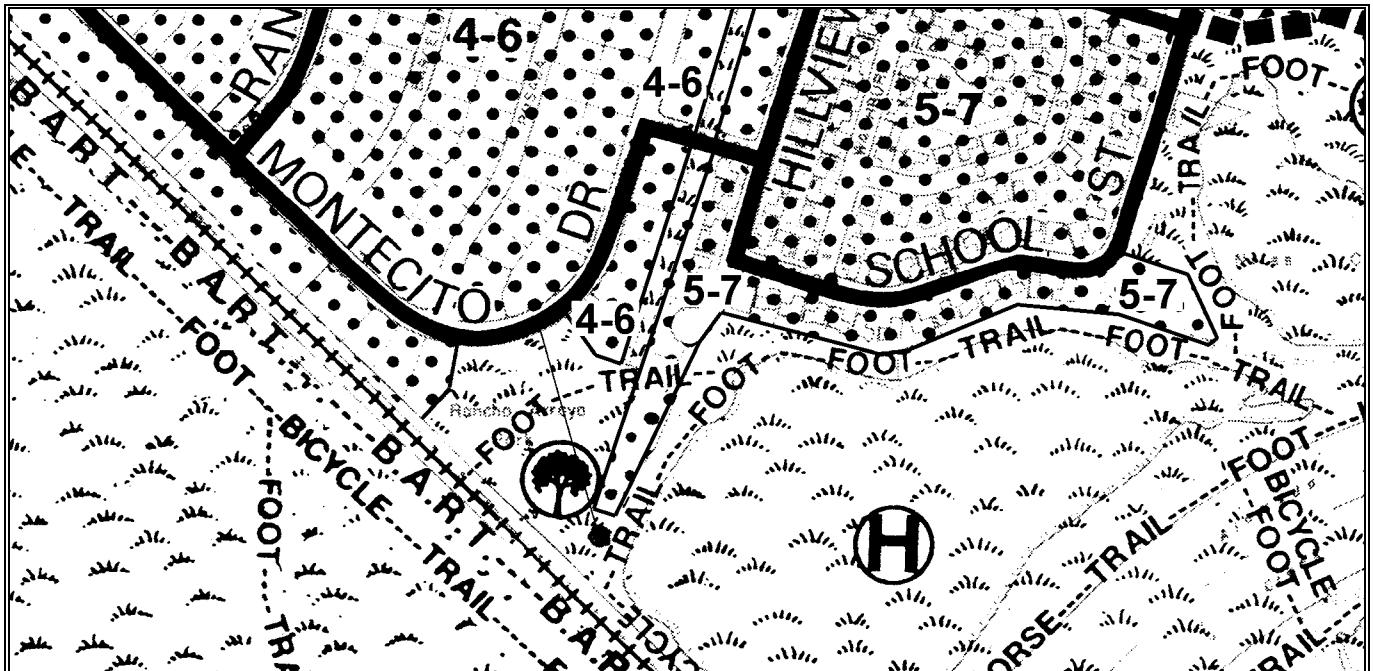
Recommended Actions:

1. Hold public hearing.
2. Find the initial study conducted for the project has evaluated the potential impacts that could cause an adverse effect, either individually or cumulatively, on wildlife resources. Therefore, find that there is no evidence the project would have any potential for adverse effect on wildlife resources and recommend the filing of a Certificate of Fee Exemption for the project.
3. Adopt the Draft Mitigated Negative Declaration for the project finding that there is no substantial evidence the project as mitigated will have a significant effect on the environment and further finding that this action reflects the independent judgment of the City of Fremont.
4. Approve Mitigation Monitoring Plan (Exhibit "6") for the project.
5. Find that PLN2005-00308 is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals, and policies set forth in the General Plan's Fundamental Goals, Land Use, Public Facilities, and Natural Resource Chapter as enumerated within the staff report.
6. Find that PLN2005-00308 is in conformance with standards of the Wireless Telecommunications Ordinance (#2213).
7. Find that PLN 2005-00308 is in conformance with the zoning requirements of the O-S, Open Space zoning district.
8. Approve PLN2005-00308, Exhibit "A", subject to findings and conditions in Exhibit "B".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan



VICINITY MAP



Scale: 1:6,000 or 1"=500'

Exhibit "B"
Findings and Conditions of Approval for PLN20002-00308
Cingular Wireless-Hillview-Conditional Use Permit

Findings:

The findings below are made on the basis of information presented at the public hearing and contained in the staff report to the Planning Commission dated September 8, 2005 incorporated herein:

1. The proposed use is consisted with the General Plan for the reasons provided in the staff report.
2. The site is suitable and adequate for the proposed use because it will be located on flat ground, the equipment and most of the pole will be screened by trees and vegetation, and the site is accessible through a water district service road.
3. The proposed use and design would not have a substantial adverse impact on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on the planned level of service of the street system because the trips generated by the proposed use are only expected to be monthly technician service and landscape maintenance. Access to the site will be through the existing Water District access road, which is not a public right-of-way.
4. The proposed use would not have a substantial adverse economic effect on nearby uses because it would not reduce business activities or commercial uses in the area, nor detract from property values.
5. The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood, or the community at large because the project is designed in a manner to be compatible with the surrounding uses and environment, and would not create nuisances because appropriate safety equipment and fencing is required, nor would the use degrade the environment because no residents or workers are located nearby who would be disturbed by the facility activities. In addition, residents and businesses will benefit from improved telecommunications coverage, as will police and fire communications.
6. The design of the project is compatible with existing and proposed development in the district and its surroundings because the monopole is designed to blend in with the background of the existing natural trees on adjacent parcels in the area and the telecommunication equipment will be located out of view from the public right-of-way.
7. The project will comply with the provisions of Article 27 of the Fremont Zoning Ordinance (Site Plan and Architectural Approval).

Conditions of Approval:

1. The project shall conform to Exhibit "A", Site Plan, Elevations, Constructions Details and the color proposed in Exhibit "1".
2. Plans shall be submitted to the Development Organization for review to ensure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
3. This use permit shall take effect and be issued by the Planning Director within two years, upon the conclusion of review by the Development Organization and issuance of building permit. Should review by the Development Organization not be complete within two years, the permittee may apply for an extension of time.
4. The Planning Director is empowered to make minor modifications to this approval in keeping with overall intent hereof.
5. The applicant shall submit the final color and material samples of the monopole and fence to the Development Organization.

6. The applicant shall plant fast growing vines to screen the fence and equipment. The applicant shall provide necessary irrigation for such vines, and will maintain and replace the vines as needed to maintain screening coverage. The applicant shall submit the type of vine to the Development Organization.
7. Additional carriers that co-locate on the monopole are subject to Zoning Administrator approval and shall provide an enclosure with vines that matches the applicant's enclosure.
8. If the Planning Director finds evidence that conditions of approval have not been fulfilled or uses has or have resulted in a substantial adverse effect the health, and/or general welfare of users of adjacent or proximate property, or have a substantial adverse impact on public facilities or services, the Planning Director may refer the use permit to the Planning Commission for review. If, upon such review, the Commission finds that any of the results above have occurred, the Commission may modify or revoke the use permit.
9. The applicant shall submit to the Fire Department data on battery capacity. The data shall include the amount of liquid in each battery and the total amount on-site including all existing batteries.
10. If the total storage capacity of battery(s) exceeds 50 gallons in unsprinklered building or 100 gallons in a sprinklered building, the applicant shall provide monitoring of the ventilation system. In the event of a failure of the ventilation system, an alarm/notification to a constantly attended central station and/or automatic disengagement of charging system shall occur. Other mitigation required by California Fire Code Articles 64 and 80 shall still apply.
11. The applicant shall provide a detail of a the gate indicating the minimum opening width of at least 15 feet and a vertical clearance of at least 13 feet 6 inches to the Development Organization.
12. The applicant shall provide a note on the plans that the 18-foot wide access road is capable of carrying the weight of fire apparatus to the Development Organization.
13. The applicant shall provide a Knox lock/box for access at the enclosure and the gate to the site.
14. The applicant shall provide a sign and address or signage at the entrance indicating site location to the Development Organization.
15. The applicant shall provide a sign on the project site/fence/building indicating the emergency phone number for the responsible party/person. The sign shall be shown on the plans submitted to the Development Organization.
16. The applicant shall provide a fire extinguisher for the cabinets. The fire extinguishers shall be indication on the plans submitted to the Development Organization.
17. The applicant shall meet all requirements in the 2001 California fire code and all local amendments to that code in Ordinance #2485.
18. The applicant shall submit to the Engineering Division a statement as to how Best Management Practices will be implemented to prevent pollution of storm water during project construction.
19. The applicant shall be responsible for maintenance of the telecommunications facility in a condition free of graffiti and for expeditious removal of any graffiti and repair of any damage caused by vandalism to any portion of the utility pole, antennas, and equipment.
20. The facility shall comply at all times with the applicable provisions of Ordinance No. 2213 and the Development Standards for Siting of Wireless Telecommunication Facilities.
21. Any provider that considers buying, leasing, or transferring ownership of this facility shall submit a letter of notification to the Planning Director.

22. The provider shall provide written notification to the Planning Director upon cessation of operations on-site. The provider shall remove all obsolete or unused facilities from the site within six months of termination of its lease, cessation of operations or expiration of its permit. Should the provider fail to effect such removal, the property owner shall be responsible.
23. The applicant shall follow the mitigations listed in the mitigated negative declaration and the mitigation monitoring plan.
24. Construction activities shall occur only during the following hours:
 - 7 a.m. to 7 p.m. Monday thru Friday
 - 9 a.m. to 6 p.m. Saturday
 - No Construction on Sunday